<u>REMARKS/ARGUMENTS</u>

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 2-19 are pending in the present application. Claim 15 is amended by the present amendment. Claim amendments find support in the application as originally filed. Thus, no new matter is added.

In the outstanding Office Action, Claims 2, 9-12 and 14-19 were rejected under 35 U.S.C. § 103(a) as unpatentable over <u>Zereski et al.</u> (U.S. Pat. No. 5,654,886, herein "Zereski") in view of <u>Throckmorton et al.</u> (U.S. Pat. No. 5,818,441, herein "Throckmorton"); and Claims 3-8 and 13 were rejected under 35 U.S.C. §103(a) as unpatentable over <u>Zereski</u> and <u>Throckmorton</u> in view of <u>Murphy</u> (U.S. Pat. No. 6,564,380).

Addressing now the rejection of Claims 2, 9-12 and 14-18 under 35 U.S.C. §103(a) as unpatentable over <u>Zereski</u> and <u>Throckmorton</u>, this rejection is respectfully traversed.

Claim 15 recites, in part,

> storing the merchandising information in a database;
> receiving changed information;
> automatically updating the stored information based on the received changed information;
> defining a video layout based on a selection made by the broadcast customer, the selection including a subset of the stored information and a screen arrangement of the selected subset of stored information;
> formatting a broadcast-ready video data stream that includes the subset of stored information such that the subset of stored information will be positioned on an output screen according to the selected screen arrangement;
> transmitting the broadcast-ready video data stream from a server to the broadcast customer;
> receiving the broadcast-ready video data stream from the server; and
> combining, prior to broadcast, the received broadcast-ready video data stream with video content broadcast by the broadcast customer such that the received broadcast-ready video data stream and the video content broadcast by the broadcast customer are <u>overlaid</u> in a resulting <u>digital</u> video data stream.

Zereski describes a method of creating presentations for the internet.[1] Specifically,

Zereski describes organizing weather data from various sources so it can be presented by a

web server.

However, Zereski does not describe or suggest defining a video layout based on a

selection made by the broadcast customer, the selection including a subset of the stored

information and a screen arrangement of the selected subset of stored information and

formatting a broadcast-ready video data stream that includes the subset of stored information

such that the subset of stored information will be positioned on an output screen according to

the selected screen arrangement.

The outstanding Action asserts on page 2 that col. 8, lines 43-52 of Zereski describes

defining a video layout and formatting a broadcast-ready data stream as is recited in Claim

15. Specifically, the outstanding Action asserts that "Zereski, col. 8, lines 43-52 states that

the screen locations of individual objects are independently customizable by users in order to

obtain the desired appearance." Applicants respectfully traverse this assertion as incorrect.

The portion of Zereski states

> it will be understood that the presentations, such as the
> local weather forecast presentation shown in FIG. 8, can have a
> wide variety of formats. For example, the placements of the
> four-day forecast graphic 140, the image 142 of the
> meteorologist, the text summary 133 and the advertisement 146
> can be varied to obtain a desired appearance. Furthermore,
> individual components of the presentation can be changed or
> omitted. For example, the four-day forecast graphic 140 may
> cover more or fewer days and may have a different format for
> each forecast day.

However, Applicants note that nothing in this portion or any other portion of Zereski

describes that *end-users* are able to "customize" the presentations.

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[1] Zereski, col. 5, lines 1-3.

The claimed invention recites defining the video layout based on *a selection made by the broadcast customer*, the selection including a subset of the stored information and a screen arrangement of the selected subset of stored information.

In Zereski the position of the information is predetermined by a template.[2] Col. 8, lines 43-52 of Zereski clearly indicates that before the presentation is shown the *providers* of the broadcast are able to modify the templates described in col. 6, lines 49-52. However, nothing in Zereski describes or suggests in any way that the broadcast customer is able to make a selection which is used to define the video layout.

In addition, as is acknowledged in the outstanding Action, Zereski does not describe or suggest combining, prior to broadcast, the received broadcast-ready video data stream with video content broadcast by the broadcast customer such that the received broadcast-ready video data stream and the video content broadcast by the broadcast customer are overlaid in a resulting digital video data stream.

Nevertheless, the outstanding Action relies on Throckmorton as curing this deficiency in Zereski.

Throckmorton describes a system of synchronizing associated data with a primary data stream. Specifically, Throckmorton describes that a data synchronizer 20 creates a script for the delivery and display of associated data at specific points in time.

However, Throckmorton does not describe or suggest combining, prior to broadcast, the received broadcast-ready video data stream with video content broadcast by the broadcast customer such that the received broadcast-ready video data stream and the video content broadcast by the broadcast customer are overlaid in a resulting digital video data stream.

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[2] Zereski, col. 6, lines 49-52.

In other words, Throckmorton describes that data is associated with the video data and then is sent separately[3] or placed into the side channel of a video data signal before being sent to the receiver.[4]

In contrast, the claimed invention recites combining, *before broadcast*, the received broadcast-ready video data stream with video content broadcast by the broadcast customer such that the received broadcast-ready video data stream and the video content broadcast by the broadcast customer are *overlaid in a resulting digital video data stream*. In other words, both streams are rolled into the same video signal before the signal is broadcast.

Thus, while Throckmorton purposely separates the video data and the associated data, the claimed invention recites that the received broadcast-ready video data stream with video content broadcast by the broadcast customer are combined into one signal before broadcast.

The outstanding Action asserts on page 3 that because the associated data stream (which the outstanding Action has asserted is equivalent to the video content broadcast by the broadcast customer) of Throckmorton is encoded into the VBI of the video signal, such a encoding is equivalent to the combining recited in Claim 15. Applicants respectfully traverse this assertion and submit that Claim 15 has been clarified to recite that that the received broadcast-ready video data stream and the video content broadcast by the broadcast customer are *combined before broadcast* into a resulting digital video data stream, a feature clearly not described or suggested by Throckmorton.

Thus, Throckmorton does not cure the above noted deficiencies of Zereski with regard to the claimed invention.

Accordingly, Applicants respectfully submit independent Claim 15 and claims dependent therefrom patentably define over Zereski and Throckmorton considered individually or in combination.

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[3] Throckmorton, col. 5, lines 35-37.
[4] Throckmorton, col. 5, lines 56-59.

Moreover, with regard to Claim 19, Applicants respectfully submit that the combination of Zereski and Throckmorton do not render obvious this feature of the claimed invention.
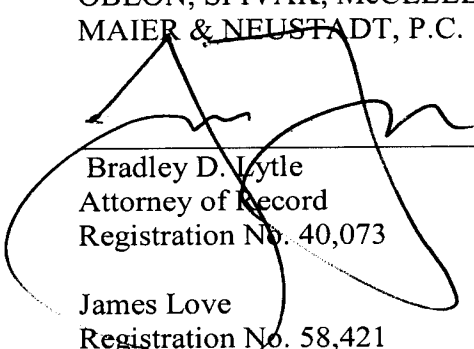
For instance, the outstanding Action asserts that because the associated content is to be viewed 'as part of the program" then it must be added as a screen overlay. Applicants respectfully traverse this assertion and submit that nothing in Throckmorton makes any mention of simultaneously displaying the video data and the associated content. No evidence of a screen overlay is found in this reference.

Accordingly, Applicants respectfully submit that Claim 19 also patentably distinguishes over the combination of Zereski and Throckmorton.

Consequently, in light of the above discussion and in view of the present amendment, the application is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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